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International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families
Twenty-fourth session

Summary record of the 311th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 13 April 2016, at 10 a.m.

Chair: Ms. Dicko (Vice-Chair)

Contents

Consideration of reports submitted by States parties under article 73 of the Convention (*continued*)

Initial report of Lesotho (continued)

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Mr. Brillantes, the elected chair, acting as Country Rapporteur, Ms. Dicko (Vice-Chair) took the Chair.

The meeting was called to order at 10.10 a.m.

Consideration of reports submitted by States parties under article 73 of the Convention (*continued*)

Initial report of Lesotho (continued) (CMW/C/LSO/1; CMW/C/LSO/QPR/1)

1. *At the invitation of the Chair, the delegation of Lesotho took places at the Committee table.*

2. **Mr. Rakuoane** (Lesotho) said that several ministries were currently in the process of reviewing, updating and harmonizing existing laws in a number of different fields, with a view to transposing the Convention into domestic legislation. Significant progress had been made in that regard on laws relating to child welfare and trafficking in persons. The Government was considering becoming a party to a number of international instruments, such as the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189), the Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99) and the Minimum Wage Fixing Convention, 1970 (No. 131). However, tripartite minimum wage fixing mechanisms and committees had already been set up in Lesotho and domestic workers enjoyed protection under existing domestic legislation on the minimum wage.

3. Work had been carried out to disseminate the Convention through radio broadcasts, cooperation with organizations of former mine workers, public meetings and the distribution of printed materials. The instrument would also be translated into local languages.

4. Garment industry workplaces had been inspected by anti-trafficking agencies, as a part of investigations into instances of alleged abuse of migrant workers' rights. However, that task had been rendered more difficult by the irregular status of many of the employees concerned.

5. Under domestic legislation, migrant workers had the right to equal pay. Meetings had been held with employers' organizations on the issue of the labour rights of migrant workers present in Lesotho, focusing in particular on the payment of wages in Lesotho itself rather than abroad. The aim of the authorities in that regard was to ensure that such workers paid income tax in Lesotho and that they were not underpaid. Discussions were in progress on an agreement to provide social security coverage for migrant workers from Lesotho resident in South Africa. A commission of around 5 per cent was levied on money transfers.

6. Efforts were under way to set up accommodation for victims of trafficking in persons, which would also be used to house detained migrant workers. Migrant workers could launch legal challenges against expulsion orders issued by the Ministry of Home Affairs.

7. The Government regulated the activities of private recruitment agencies and was currently developing a code of conduct in that regard. Under the Labour Code, such agencies must provide migrant workers with information and assistance in obtaining access to dispute-resolution mechanisms in the workplace. A number of agencies were also legally obliged to help migrant workers send remittances back to Lesotho.

8. Work had been carried out to simplify domestic legislation on child protection and translate it into local languages. A children's court had been set up, a strategic national plan on vulnerable children had been adopted, along with an action programme on the elimination of child labour for the period 2013-2017, and the Government was working

with civil society and partners such as the United Nations Children's Fund (UNICEF) to stamp out child labour and child exploitation.

9. Many households were headed by children whose parents had left the country in search of work or had died of HIV/AIDS. The Ministry of Social Development gave priority to supporting such households and the children affected were eligible for special scholarships. Job losses in the South African mining industry had led to a number of families of migrant workers from Lesotho being split up and the South African authorities were currently looking into the possibility of regularizing their status, with a particular focus on school-age children. Under domestic law, migrant workers resident in Lesotho had the right to bring their spouses and children to live with them. Statistics on the number and nationality of migrant workers deported could be found in paragraph 11 of the State party report.

10. Legislation on trafficking in persons had been put in place and cross-border committees had been set up to deal with the issue. Any child crossing the borders of Lesotho was required to have written parental consent to do so, to be accompanied by a designated guardian and to present his or her passport and birth certificate. A team made up of police officials, prosecutors and social workers had been set up to combat trafficking in persons, a shelter had been established for victims of trafficking and immigration officials received training on the issue. Around 20 victims of trafficking, mainly women, had been rescued to date.

11. Levels of compliance with occupational safety regulations were high in the garment and construction industries. Under the Labour Code, any employer with 100 or more workers was required to employ a full-time safety officer. The Ministry of Labour and Employment carried out labour inspections and the Government was cooperating with ILO in that regard through the Better Work Programme. Embassy and consular staff provided support to migrant workers from Lesotho by visiting detention centres, facilitating communication with relatives in Lesotho and disseminating information on equal treatment for foreign detainees.

12. A number of high-profile public posts, including those of Chief Justice and Governor of the Central Bank of Lesotho, were currently held by women. The public administration, nursing and teaching sectors were overwhelmingly staffed by women. Traditionally, families had encouraged their sons to enter the mining industry or to work as livestock herders, while sending their daughters to school. However, many men were in favour of change in that regard.

13. There were a number of national human rights institutions in place. They included the Office of the Ombudsman, which dealt with cases of maladministration and matters such as challenges to deportation orders, the Police Complaints Authority, which investigated instances of police abuse, and the Directorate on Corruption and Economic Offences. The Human Rights Commission had been set up in line with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). A gender-balance policy was in place in a number of the above-mentioned institutions.

14. Under the Constitution, members of the lesbian, gay, bisexual, transgender and intersex (LGBTI) community enjoyed equal treatment. However, there were no specific laws offering them protection and religious groups in Lesotho opposed any attempts to modify that approach. LGBTI persons had access to health-care services and could set up representative organizations, the spokespersons for which could freely make their views known through public media channels without fear of harassment.

15. Although sex workers were not protected by any specific law, they had access to health-care and advisory services and mobile clinics. No figures were currently available

relating to the funding of the Child and Gender Protection Unit; however, officials of that body did currently provide services to the public. Agreements on access to health care and cooperation relating to HIV/AIDS and tuberculosis were being planned with a number of other countries.

16. **Ms. Ladjel** asked whether media outlets were working to simplify and disseminate the contents of the Convention and to transmit related information to migrant workers and whether the national authorities had made provision for the return of orphaned children of migrant workers to their countries of origin and, where possible, to their relatives.

17. **Mr. Brillantes** (Country Rapporteur) said that he would welcome clarification regarding the role of the Office of the Ombudsman.

18. **Mr. Rakuoane** (Lesotho) said that media involvement in the dissemination of the Convention was limited by the fact that civil society organizations, such as those representing former miners, were currently focusing primarily on issues such as occupational safety and health.

19. The matter of orphans of migrant workers had been raised with the South African authorities. The Ministry of Social Development was currently developing a strategy for the registration of such children and, where necessary, their return to Lesotho. There had indeed been some cases of orphans of migrant workers being returned to relatives.

20. When it had first been set up, the Office of the Ombudsman had not had the capacity to carry out all of its mandate; a number of its tasks had subsequently been reassigned to the Police Complaints Authority, the Directorate on Corruption and Economic Offences and the Human Rights Commission.

21. **Ms. Lelisa** (Lesotho) said that the Government provided media outlets with information on the Convention through the non-governmental organization Media Institute of Southern Africa. Those outlets reported on campaigns to raise awareness of the instrument.

22. **Ms. Khutlang** (Lesotho) said that, since 2008, the Ministry of Law, Constitutional Affairs and Human Rights had been carrying out regular campaigns to raise awareness of the Convention among members of the judiciary, with the support of the United Nations Development Programme and Irish Aid. The country's periodic report to the Committee on the Elimination of Racial Discrimination had been drafted.

23. **Mr. Brillantes** said that the dialogue with the delegation of Lesotho had been fruitful and constructive. He hoped that the national authorities would take the recommendations of the Committee into account.

24. **Mr. Rakuoane** (Lesotho) said that the Government would continue to raise awareness of the Convention. It would, for example, organize a series of workshops on the Committee's recommendations. Assistance from the Office of the United Nations High Commissioner for Human Rights in tackling the challenges facing Lesotho, in particular issues affecting women from Lesotho married to South African nationals, would be welcome.

25. **The Chair** said that Lesotho was to be congratulated on its efforts to implement the Convention.

The meeting rose at 11.15 a.m.